

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference	FOR FURTHER ACTION See Form PCT/IPEA/416	
WS 2234 PCT		
International reference No.	International filing date (Day/Month/Year)	Priority date (Day/Month/Year)
PCT/EP2004/001298	03.08.2004	16.10.2003
International Patent Classification (IPC) or national classification and IPC D01H4/38		
Applicant		
SAURER GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising
  - a. ☐ Sheets (*sent to the Applicant and to the International Bureau*), as follows:
    - ☐ Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions).
    - ☐ Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box.
  - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the request for preliminary examination 02.12.2004	Date of completion of this report 22.11.2005
Name and mailing address of the International Examining Authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorised officer  D'Souza, J  Tel. +31 70 340  EPO stamp

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No. PCT/EP2004/008670

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**Box No. 1      Basis of the report**

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1. With regard to the **language**, this report is based on the International Application in the language in which it was filed, if nothing different is stated under this point.

- ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which has been filed for the following purpose:
  - ☐ international search (according to Rules 12.3 and 23.1b)
  - ☐ publication of the international application (according to Rule 12.4)
  - ☐ international preliminary examination (according to Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, the report is based on *(replacement sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, pages**

1-13                                      in the originally filed version

**Claims, No.**

1-8                                        in the originally filed version

**Drawings, sheets**

1/6-6/6                                      in the originally filed version

☐ a sequence listing and/or any related tables – see supplemental box relating to sequence listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence protocol (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered in the opinion of the authority to go beyond the disclosure as originally filed, as indicated in the supplemental box (Rule 70.2 c)).

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence listing (*specify*):

*\* If Item 4 applies, some or all of the sheets may be marked "superseded".*

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.  
PCT/EP2004/008670

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## **Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; documents and explanations supporting such statement**

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|----|-------------------------------|------|------------|
| 1. | Statement                     |      |            |
|    | Novelty (N)                   | Yes: | Claims 1-8 |
|    |                               | No:  | Claims     |
|    | Inventive step (IS)           | Yes: | Claims 1-8 |
|    |                               | No:  | Claims     |
|    | Industrial applicability (IA) | Yes: | Claims 1-8 |
|    |                               | No:  | Claims     |

2. Documents and explanations (Rule 70.7):

**see supplementary sheet**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/008670**

**Item V**

**Reasoned statements with regard to novelty, inventive step and industrial applicability;  
documents and explanations supporting such statement**

Reference is made to the following document:

D1: DE-A-19712881 (SCHLARFHORST) 1 OCTOBER 1998 (1998-10-01)

**1 Claim 1 – Novelty (Article 33(2) PCT)**

1.1 Document D1, which is regarded as the closest prior art relative to the subject of claim 1 discloses (the references in brackets relate to this document):

Fibre guide channel (14) for the pneumatic transport of individual fibres, which are combed out of a feed fibre band by an opening cylinder (21) that rotates in an opening cylinder housing (17), of an open end spinning device (1), to a spinning rotor (3) running at high speed in a rotor housing (2) that can be subjected to a vacuum, wherein on the input side, the fibre guide channel arranged in a cover element (8) for closing the rotor housing (2) is matched with respect to its width to the mountings of the opening cylinder (21), the inlet opening (48) of the fibre guide channel (14) has a slot-like shape and the maximum extension (B) of the inlet opening (48) extends parallel to the rotational axis (55) of the opening cylinder (21).

1.2 The subject of claim 1 therefore differs from the known fibre guide channel in that the outlet opening of the fibre guide channel has a slot-like shape and in that the maximum extension of the outlet opening of the fibre guide channel is arranged rotated by  $90^\circ \pm 15^\circ$  about an imaginary centre line of the fibre guide channel in relation to the maximum extension of the inlet opening in that the fibre guide channel, between the inlet opening and outlet opening, has a zone Z, which is substantially cylindrical, in that the cross-section of the fibre guide channel constantly decreases from the inlet opening to the zone Z.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(SUPPLEMENTARY SHEET)**

**International Application No. PCT/EP2004/008670**

1.3 The subject of claim 1 is therefore novel (Article 33(2) PCT).

**2 Claim 1 – Inventive step (Article 33(3) PCT)**

2.1 Proceeding from this prior art, the present invention is based on the object of developing a fibre guide channel, which has a shape, which ensures stretching and bundling of the fibres on their path to the fibre slide face.

2.2 The solution proposed in claim 1, is neither contained nor made obvious in the present prior art and is therefore based on an inventive step according to Article 33(3) PCT.

**3 Dependent claims**

Claims 2 to 8 are dependent on claim 1 and therefore also meet the requirements of the PCT with respect to novelty and an inventive step.